

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

## In the Matter of the Search of

*(Briefly Describe the property to be searched or identify the person by name and address)*

Nehemiah Lee, a 35 year old male, born in 1988

Case No. 23-04282 MB

**ELECTRONIC SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the \_\_\_\_\_ District of Arizona.  
(identify the person or describe the property to be searched and give its location):

**As further described in Attachment A.**

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

**As set forth in Attachment B.**

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before November 2, 2023.  
*(not to exceed 14 days)*

☒ in the daytime 6:00 a.m. to 10 p.m.☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge.

Any U.S. Magistrate on duty in Arizona \_\_\_\_\_.  
*(name)*

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (*check the appropriate box*) ☐ for 30 days (*not to exceed 30*)

☐ until, the facts justifying, the later specific date of \_\_\_\_\_

Date and time issued: \_\_\_\_\_

**Camille D Bibles**Digitally signed by Camille D  
Bibles

Date: 2023.10.19 16:48:00 -07'00'

*Judge's signature*City and State: Flagstaff, ArizonaHonorable Camille D. Bibles, U.S. Magistrate Judge*Printed name and title*

AO 93 (Rev. 01/09) Search and Seizure Warrant (Page 2)

**RETURN**

Case No.:

23-04282 MB

Date and Time Warrant Executed:

Copy of warrant and inventory left with:

Inventory Made in the Presence of:

Inventory of the property taken and name of any person(s) seized:

**CERTIFICATION**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date:

Executing officer's signature

Printed name and title

**ATTACHMENT A**

**DESCRIPTION OF PERSON TO BE SEARCHED**

A Native American Male by the name of Nehemiah Lee DOB XX/XX/88.

**ATTACHMENT B**

**ITEMS TO BE SEIZED**

Evidence in the form of deoxyribonucleic acid (“DNA”) to be obtained from  
Nehemiah Lee, DOB: XX/XX/88 through cotton/buccal swabs in the mouth.

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

In the Matter of the Search of:

Nehemiah Lee, a 35 year old male, born in 1988

Case No. 23-04282 MB

## ELECTRONIC APPLICATION FOR SEARCH WARRANT

I, FBI Special Agent Saddraid A. Hubbard, a federal law enforcement officer, request an electronic search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

## As further described in Attachment A.

Located in the \_\_\_\_\_ District of \_\_\_\_\_ Arizona \_\_\_\_\_, there is now concealed (*identify the person or describe the property to be seized*):

## As set forth in Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;  
☐ contraband, fruits of crime, or other items illegally possessed;  
☐ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of:

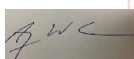
Code Section18 U.S.C. §§ 1153 and  
and 113(a)(3)Offense Description

Assault with a Dangerous Weapon

The application is based upon the following facts:

- ☒ Continued on the attached sheet (see attached **Affidavit**).  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA Anthony Church

Digitally signed by  
Anthony Church  
Date: 2023.10.18  
14:30:51 -07'00'

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty  
of perjury that the foregoing is true and correct.

Executed on: \_\_\_\_\_

☒ Sworn by Telephone

Date/Time: \_\_\_\_\_

Date: \_\_\_\_\_

City and State: Flagstaff, Arizona



Applicant's Signature

Saddraid A. Hubbard FBI SA

Printed Name and Title

Camille D Bibles

Digitally signed by Camille D

Bibles

Date: 2023.10.19 16:46:09

-07'00'

Judge's Signature

Hon. Camille D. Bibles, United States Magistrate Judge

**ATTACHMENT A**

**DESCRIPTION OF PERSON TO BE SEARCHED**

A Native American Male by the name of Nehemiah Lee DOB XX/XX/88.

**ATTACHMENT B**

**ITEMS TO BE SEIZED**

Evidence in the form of deoxyribonucleic acid (“DNA”) to be obtained from  
Nehemiah Lee, DOB: XX/XX/88 through cotton/buccal swabs in the mouth.

**ELECTRONICALLY SUBMITTED AFFIDAVIT OF SADDRAID HUBBARD IN  
SUPPORT OF SEARCH WARRANT**

I, Saddraid A. Hubbard, Special Agent with the Federal Bureau of Investigation (FBI), being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent with the FBI in Pinetop, Arizona. I have worked as a Special Agent with the FBI since April 2023. I have been a law enforcement officer for eight years for the Lynchburg Police Department (LPD) and for the Department of Homeland Security as a Border Patrol Agent for less than one year. My investigations have included the use of surveillance techniques and the execution of search, seizure, and arrest warrants. After joining the FBI as a Special Agent I have spent five months at the FBI Training Academy in Quantico, Virginia. I received training in a variety of investigative and legal matters including the topics of Fourth Amendment searches, the drafting of search warrant affidavits, and probable cause statements. I am assigned to investigate violations of federal law on the Fort Apache Indian Reservation and have been so assigned since September 18, 2023.

2. As discussed below, there is probable cause to believe that evidence of a crime, Assault with a Dangerous Weapon, in violation of Title 18, United States Code, §§ 1153 and 113 (a)(3), is located on the property of 9 East 4<sup>th</sup> Street, Cibecue, Arizona at Global Positioning System (GPS) coordinates 34.05414439350827,



-110.48307164999859. This location is a single family residence located on the Fort Apache Indian Reservation, within the District of Arizona and is the location where the events described below took place.

3. I make this affidavit in support of an application for a search warrant for information or items of evidence contained within the residence located at 9 East 4<sup>th</sup> Street in Cibecue, Arizona at GPS location 34.05414439350827-110.483071649998559, as described in **Attachment A**. The items of evidence to be searched for and seized are listed particularly in **Attachment B**.

4. The information contained in this affidavit comes from my personal observations, my training and experience, and information obtained from other agents, officers, and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge concerning this investigation.

#### **PROBABLE CAUSE**

5. On September 09, 2023, victim H.J. was assaulted by an unknown male, who cut off his right hand with a machete. H.J. was flown to Phoenix, Arizona where his hand was surgically reattached. Additionally, H.J. sustained a laceration to his leg which required stitches. The incident occurred on the Fort Apache Indian Reservation. During the course of this investigation it has been determined that H.J. is a member of the White Mountain Apache Tribe.

6. On September 12, 2023, H.J. was interviewed by investigators at the Banner University Medical Center, located at 1111 East McDowell Road, Phoenix, Arizona (BUMC). H.J. stated that on September 9, 2023, he was in an argument which ended with his hand getting cut off with a machete. A week prior to the incident, H.J. was in a separate altercation at the “apartments in Cibecue, Arizona.” While at the apartments, an unknown number of males were talking about assaulting someone and H.J. intervened. After H.J. intervened, he was stabbed in the back with a knife. The police were notified, but H.J. did not want to tell them who assaulted him.

7. On September 9, 2023, the day of the incident, H.J. walked to 9 East 4<sup>th</sup> Street, Cibecue, Arizona to purchase a bottle of whiskey. He described the house as a brick house on the hill near the Mormon Church. H.J. identified the house using Google Maps. After H.J. arrived, he got into an argument with two individuals over the previously described incident at the apartments. During the argument, a third male exited the residence holding a machete and struck H.J. in the leg with the machete and then cut off his right hand. One of the three males present gave H.J. a bandana to help stop the bleeding. H.J. picked up his hand and waited at the end of the street for the ambulance to arrive.

8. All of the males involved in the incident were related to each other. The three males all lived at 9 East 4<sup>th</sup> Street, Cibecue, Arizona. The male individuals were known to carry edge weapons such as knives, machetes, and swords. H.J. did not know them to carry firearms.

9. On September 13, 2023, S.C. was interviewed via telephone. S.C. is H.J.'S sister. She stated H.J. told her NEHEMIAH LEE (hereafter N. LEE) was the person who cut off his hand. I.L. and M.N. were present when the incident occurred. Additionally, N. LEE was the person who assaulted H.J. previously with a knife.

10. S.C. provided a photograph, which three males who were observed holding machetes. S.C. identified the males as N. LEE on the left of the photograph, D.L. in the middle of the photograph, and I.L. on the right of the photograph. All the males in the photograph were in possession of machetes, which was described as the type of weapon used to assault H.J.

11. On September 13, 2023, H.J. was interviewed a second time at (BUMC). He was shown photographs of N. LEE, another known member of the Lee family, and I.L. Lee. H.J. identified N. LEE and I.L. as being present when he was assaulted with the machete. The other known member of the Lee family was not a part of the incident.

12. During the second interview, H.J. explained he was assaulted after going to the Lee's residence to buy liquor. H.J. knew all of the individuals involved because he usually "kicked back" with them. At this point in the investigation, H.J. would not name the individual who directly assaulted him with the machete. However, the individual who cut off H.J.'S right hand also attempted to stab him in the leg with the machete.

13. H.J. was interviewed a third time on September 14, 2023, at (BUMC). He was shown a photograph provided by S.C., which showed the individuals involved in the

incident. H.J. identified the individuals in the photograph, in order, as N. LEE, D.L., and I.L.

14. T.H. was also present during the altercation. H.J. did not see T.H. until after his hand was cut off. T.H. did not take part in the assault. H.J. was hesitant to name the individuals involved for fear of further confrontations between his family and the Lee family.

15. On September 15, 2023, H.J. was interviewed a fourth time at (BUMC). H.J. stated he arrived at 9 East 4<sup>th</sup> Street, Cibecue, Arizona to buy whiskey. When he arrived, H.J. was told to knock on the door by a person he did not want name. After he made contact at the residence, a different male answered the door which he also did not want to name.

16. Soon after, H.J. began arguing with I.L. in reference to I.L.'s little cousin. N. LEE observed them arguing. N. Lee which he quickly ran up to H.J. and attacked him with what he believed to be a machete. The machete could possibly be black, but H.J. was unsure. The brothers I.L. and D.L. rushed him as he tried to run away. While H.J. was running away, he tripped, and N. LEE cut his hand off. Once H.J.'s hand was cut off, they immediately stopped pursuing him.

17. I.L. assisted H.J. by helping him wrap up his arm. N. LEE was known to H.J. because he would drink with him on occasion. N. LEE did not say anything H.J. prior to the assault.

18. Lastly, your affiant has training and experience in collecting DNA profiles, latent fingerprints, and trace evidence from crimes scenes. Any items of relevance that are seized may have DNA evidence on them, specifically on the handles of machetes, tops and bottoms of shoes, and clothes. Should the FBI laboratory develop any known DNA profiles from items taken from the scene, they should be directly compared to individuals known to have been physically involved in the altercation with H.J. Based on the foregoing, your affiant believes there is probable cause to collect a buccal swab from N. Lee for the purpose of comparing N. Lee's DNA profile to any profile developed from evidence collected during the investigation.

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**CONCLUSION**

19. In summary, your affiant submits that there is probable cause to believe that violations of federal law have occurred and there is evidence of the violations, specifically 18 U.S.C. §§ 1153 and 113(a) (3), Assault with a Dangerous Weapon contained within the residence described in Attachment A. I request that the Court issue the proposed search warrant authorizing seizure of the for items described in Attachment B, and authorizing the collection of a DNA sample from N. Lee.

Pursuant to 28 U.S.C. § 1746(2), I declare that the forgoing is true and correct to the best of my knowledge and belief.



Special Agent Saddraid Hubbard  
Federal Bureau of Investigation

Telephonically subscribed and sworn to telephonically before me this day of October 2023.

**Camille**  
**D Bibles** Digitally signed by  
Camille D Bibles  
Date: 2023.10.19  
16:45:08 -07'00'

Honorable Camille D. Bibles  
United States Magistrate Judge  
District of Arizona